PTOL-413A (10-07)
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U.S. Palent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

	Applicant In	itiated Intervie	ew Request Fo	orm		
Application No.: 10/7	34,532	First N	First Named Applicant: REINER SAILER			
Examiner: DAVID E.						
Tentative Participant (1) Richard S. Yapch		(2) D	avid E. England			
(3) James J. Bitetto	• • • • • • • • • • • • • • • • • • • •	(4)				
Proposed Date of Inte	erview: 5/7/09 or 5/12					
Type of Interview Re	quested:					
(1) Telephonic	(2) Per	rsonal (3)	Video Conference	ce		
Enhibit To Do Charre	an Domanatuatada	П уі	es 🗆 N	0		
Exhibit To Be Shown If yes, provide brief d	lescription:	—	251	U		
3-71		Issues To Be Disc	ussed			
Issues	Claims/	Prior	Discussed	Agreed	Not Agreed	
(Rej., Obj., etc)	Fig. #s	Art				
(1) 103(a) Rej.	claim 12	Ref. A	***			
(2) 103(a) Rej.	claim 12	Ref. C				
			- <u> </u>			
(4)						
Continuation S						
Brief Description of A	Argument to be Presei	rted:				
See attached continua	ation sheet.					
An interview was con	duction on the above-	identified application	on			
NOTE: This form sh (see MPEP § 713.01).		applicant and submit	ted to the examiner in	advance of th	e interview	
		sue because of applica	nt's failure to submit	a written reco	ord of this	
	, applicant is advised	to file a statement of tl	ne substance of this int	erview (37 CI	FR 1.133(b)) as	
soon as possible:		1				
Applicant Applica	int's Representative Sig	gnature	Examiner/SPE	Signature		
/ /JAME	S J. BITETTO					
	e of Applicant or Repre 40,513	esentative				
	Number, if applicable					

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandrin, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Continuation of Brief Description of Argument to be Presented:

Ref. A

Ref. A does not teach a method for attestation. As indicated in the present specification (page 2, lines 10-17), prior art attesting systems do not perform tests on running systems. One of the advantages of the present invention is providing an <u>attesting system</u> to perform integrity measurements on executing programs (see page 3, lines 1-8). The performance monitoring system disclosed in Ref. A does not teach such an attesting system.

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Ref. A also does not teach "measuring code as the code is **being loaded**." Ref. A discloses taking measurements during the execution of a transaction (see, e.g. col. 4, lines 4-18 which teach measuring the processing time of a transaction). The present invention, however, takes measurements as the code is loaded so that the system can be properly attested and verified <u>before</u> executing the transaction (see, e.g., page 9, lines 7-9).

Ref. C

The Examiner agreed in the last interview that Refs. A and B do not teach "marking the earlier measurement as changed and adding the new measurement to the list." Ref. C also fails to teach this element of claim 12. Ref. C clearly teaches that the 'Contracts' and 'Scanner Status' tables contain only one record for each scanner and that these values are changed/modified when the relevant information changes (see e.g., col. 7, line 59-60; col. 10, lines 63-65; and col. 12, lines 38-55). The portions of Ref. C cited by the Examiner only teach keeping a history of the changes made to the 'Contracts' and 'Scanner Status' tables in a separate 'Audit' table, i.e. Contract Audit Table is history for Contract Table (see col. 7, line 66 – col. 8, line 4); Scanner Status Audit Table is history for Scanner Status Table (see col. 11, lines 51-55). In contrast, the present invention stores the earlier measurements and new measurements in the same measurement list (See Fig. 4 and page 14, lines 14-19).